

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ASSOCIATION OF NEW JERSEY
RIFLE & PISTOL CLUBS, INC.,

BLAKE ELLMAN, *and*

ALEXANDER DEMBOWSKI,

Plaintiffs,

v.

GURBIR GREWAL, in his official
capacity as Attorney General of New
Jersey,

PATRICK J. CALLAHAN, in his
official capacity as Superintendent of
the New Jersey Division of State
Police,

THOMAS WILLIVER, in his official
capacity as Chief of Police of the
Chester Police Department, *and*

JAMES B. O'CONNOR, in his official
capacity as Chief of Police of the
Lyndhurst Police Department,

Defendants.

HON. PETER G. SHERIDAN,
U.S.D.J.

HON. LOIS H. GOODMAN,
U.S.M.J.

CIVIL ACTION NO. 18-cv-10507

CIVIL ACTION

(ELECTRONICALLY FILED)

**DECLARATION OF SCOTT L. BACH IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

1. I, Scott L. Bach, am Executive Director of the Association of New Jersey Rifle & Pistol Clubs, Inc. (ANJRPC), a plaintiff in the above-titled action. I am over the age of 18, have personal knowledge of the facts and events referred to

in this Declaration based on my position as Executive Director and my communications with ANJRPC's members and staff, and am competent to testify to the matters stated below.

2. ANJRPC is a not-for-profit membership corporation, incorporated in the State of New Jersey in 1936. Its mailing address is 5 Sicomac Road, Suite 292, North Haledon, New Jersey 07508.

3. ANJRPC represents the interests of target shooters, hunters, competitors, outdoors people, and other law-abiding firearms owners. Among ANJRPC's purposes is supporting and defending the people's right to keep and bear arms, including the right of its members and the public to purchase and possess firearms and magazines.

4. ANJRPC has many thousands of members who reside in New Jersey, including Plaintiffs Blake Ellman and Alexander Dembowski.

5. ANJRPC has many members who own and keep in New Jersey, for lawful purposes including self-defense in the home, ammunition magazines that qualify as "large capacity" or firearms that qualify as "assault firearms" due to their magazine capacity under the revised definitions of those terms enacted by Act A2761. These magazines are capable of holding more than 10 but fewer than 16 rounds of ammunition and do not fit within any exception to Act A2761's definition of "large capacity ammunition magazines."

6. But for Act A2761, many ANJRPC members would continue to possess magazines and firearms prohibited by the magazine ban in New Jersey for lawful purposes, including self-defense in the home.

7. If it were lawful, many of ANJRPC's members would also acquire additional magazines and firearms prohibited by the magazine ban and keep them in New Jersey. Because of Act A2761's magazine ban and the associated criminal penalties, they refrain from doing so.

8. Many of ANJRPC's members who possess magazines or firearms prohibited by Act A2761's magazine ban are neither current nor retired federal or state law enforcement officers and do not fit into any other exception to the ban.

9. The timing of the disposition of Plaintiffs' motion for a preliminary injunction is critical, since the 180 day compliance period is running concurrently with the motion. Many of ANJRPC's members will be awaiting the motion's disposition before deciding what action(s) to take with their magazines. If the disposition comes too close to the end of the 180 day compliance period, there may be insufficient time to implement certain of the options under Act A2761 should that become necessary.

10. For example, those choosing to permanently block their magazines will need time to gather them and bring them to qualified gunsmiths capable of making permanent modifications necessary to make them compliant. If tens of thousands,

or even hundreds of thousands, of citizens suddenly and simultaneously bring their magazines to be modified, gunsmiths will be inundated and there will be long backlogs and delays which could make it impossible to comply in the time then remaining under the 180 day compliance window.

11. Additionally, the New Jersey State Police have not yet issued guidelines on what constitutes “permanent blocking” under Act A2761, and there is no indication yet whether they will do so. While guidelines under the previous law do exist, it is unknown whether those guidelines will be adopted and applied to Act A2761, or whether they will be modified. Depending on when (if ever) guidelines are formalized, there may not be sufficient time for gunsmiths to adapt, retool, and implement authorized modifications on a vast quantity of magazines before the compliance period runs out.

12. Also, those choosing to sell their magazines in nearby states would likely find it increasingly more difficult to do so as the 180-day deadline approaches. A sudden glut of magazines being sold by other New Jerseyans would reduce demand, making the magazines more difficult to sell.

13. I have witnessed confusion, trepidation, and some chaos among New Jersey gun owners over Act A2761, and a rapid ruling from the Court would create more certainty among the hundreds of thousands of people affected by the new law. As but one example of the confusion, after the New Jersey Assembly first passed

this legislation, and months before it was signed into law, I received credible reports of citizens anonymously abandoning their magazines on the doorstep of licensed dealers, in apparent fear of having become criminals. It prompted me to appear on a national radio podcast, and issue an email alert to ANJRPC members, to convey the message “hold onto your magazines!”

14. In any event, it is critical that those whose rights are affected by Act A2761 be afforded sufficient time to comply, via an expedited ruling on Plaintiffs’ preliminary injunction motion, and tolling of the 180-day compliance period if an injunction is granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed within the United States.

June 21, 2018

Scott L. Bach

Scott L. Bach

Date